

REMARKS/ARGUMENTS

The final Office Action of August 29, 2008, and the Advisory Action of December 8, 2008, have been reviewed and these remarks are responsive thereto. Claims 1, 17, and 31 have been amended, no claims have been canceled, and new claim 51 has been added. No new matter has been added. Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, and 46-51 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 17, 31, 40, 41, 43, 44 and 46-50 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,870,573 (Yeo), in view of U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard), and further in view of U.S. Patent No. 6,549,669 (Sundqvist). Claims 7-9 and 21-23 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Yeo, in view of Humbard and Sundqvist, and further in view of U.S. Patent No. 7,130,864 (Lin). Claims 10, 12, 13, 24, and 26-29 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Yeo, in view of Humbard and Sundqvist, and further in view of U.S. Patent No. 4,963,979 (Sendelweck). Applicants respectfully traverse these rejections for at least the following reasons.

Disqualifying Humbard

As Applicants have previously argued in the Amendment submitted June 4, 2008, and in the Request for Reconsideration dated December 1, 2008, U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard) is not prior art to the pending claims in the present application. The earliest possible priority date of Humbard is September 8, 2000, and the instant application claims priority from several earlier patent applications, including U.S. Patent Application Serial No. 09/488,361, filed on January 16, 2000, now U.S. Patent No. 6,421,067, issued July 16, 2002 (the '067 patent). Applicants note that the Office has not yet acknowledged Applicants' priority claim to this prior application, however, this benefit claim was properly made in the Preliminary Amendment submitted on June 5, 2002. Therefore, Applicants submit that Humbard is invalid as a prior art reference with respect to the subject matter disclosed in the '067 patent (which also incorporates by reference U.S. application serial nos. 09/344,442, 09/361,470, and 09/378,184).

As Applicants stated in the Request for Reconsideration dated December 1, 2008, the '067 patent discloses the invention of each pending claim in the manner provided by the first paragraph of 35 U.S.C. § 112, first paragraph. See 35 U.S.C. § 120; MPEP §§ 201.08, 201.11(I). The Examiner disagrees that '067 patent discloses the presently claimed invention and thus asserts that the Applicants are not entitled to the benefit of the '067 patent. Specifically, the Examiner "request[ed] applicant to specifically point out the disclosure in the specification of the '067 patent for every limitation in each of the independent claims of the instant application." (Advisory Action of December 8, 2008, page 2). Therefore, as requested by the Examiner, Applicants set forth below every limitation of each pending independent claim and the support for each limitation within the specification of the '067 patent.

Claims 1 and 31

Amended claims 1 and 31 are directed respectively to a method and computer-readable media comprising the following elements / features.

Providing a plurality of individual image areas in an electronic programming guide (EPG) display. This feature is disclosed in the '067 patent, at least by FIGS. 2A, 2C, and 2C', and at Col. 4, lines 30-38, Col. 5, lines 29-32, and in the Abstract, lines 1-4.

Receiving a user selection corresponding to a selected channel. This feature is disclosed in the '067 patent, at least by FIGS. 2, 2A, 2B, 2C, 2C', and 2D, and at Col. 3, lines 19-23 and lines 50-55.

Detecting a video stream corresponding to the selected channel. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), FIG. 6 (elements 316, 317), and at Col. 3, lines 10-23, Col. 13, lines 54-63.

Capturing a plurality of snapshots from the video stream. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), at Col. 3, lines 40-44, Col. 13, lines 54-63, and in the Abstract, lines 15-22.

Identifying a first snapshot from the plurality of snapshots captured from the video stream. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), and at Col. 3, lines 40-44, Col. 13, lines 54-63.

Converting the first snapshot captured into a reduced image of real-time programming. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), and at Col. 3, lines 40-44, Col. 13, lines 54-63.

Displaying a graphical representation of a polyhedron in the first of the individual image areas. This feature is disclosed in the '067 patent, by at least FIG. 2C', and at Col. 4, lines 37-38, Col. 13, line 63 to Col. 14, line 15.

Displaying the reduced image of real-time programming on a side of the graphical representation of the polyhedron in the first of the individual image areas, wherein the reduced image is associated with the selected channel. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, Col. 13, line 63 to Col. 14, line 27, and in the Abstract, lines 14-26.

Claim 17

Amended claim 17 is directed to an apparatus comprising the following elements / features.

A tuner configured to tune to a selected channel and to receive a video stream. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), FIG. 6 (elements 316, 317), and at Col. 3, lines 10-23, Col. 13, lines 54-63.

A shutter function, configured to capture a plurality of snapshots from the video stream. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), at Col. 3, lines 40-44, Col. 13, lines 54-63, and in the Abstract, lines 15-22.

An image improver, configured to identify a first snapshot from the plurality of snapshots captured from the video stream. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), and at Col. 3, lines 40-44, Col. 13, lines 54-63.

A display [configured to...] This feature is disclosed in the '067 patent, at least by FIG. 2 (elements 100, 102) and FIG. 6 (elements 310, 102), and at Col. 5, lines 4-5.

Display[ing] an electronic programming guide (EPG) comprising a plurality of individual image areas. This feature is disclosed in the '067 patent, at least by FIGS. 2A, 2C, and 2C', at Col. 4, lines 30-38, Col. 5, lines 29-32, and in the Abstract, lines 1-4.

Display[ing] a graphical representation of a polyhedron in a first of the individual image areas. This feature is disclosed in the '067 patent, by at least FIG. 2C', and at Col. 4, lines 37-38, and Col. 13, line 63 to Col. 14, line 15.

Display[ing] the first snapshot on a side of the graphical representation of the polyhedron in the first individual image area, wherein the first snapshot is associated with the selected channel. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, Col. 13, line 63 to Col. 14, line 27, and in the Abstract, lines 14-26.

Claim 51

New claim 51 is directed to a method for displaying programming information in an electronic programming guide comprising the following features / limitations.

Receiving at a television system a video stream corresponding to a plurality of television channels. This feature is disclosed in the '067 patent, at least by FIG. 2 (elements 100, 102) and FIG. 6 (elements 310, 102, 316, 317), and at Col. 5, lines 4-5.

Receiving a plurality of user selections, wherein each user selection identifies a television channel selected to be displayed on the television system within an electronic programming guide. This feature is disclosed in the '067 patent, at least by FIGS. 2, 2A, 2B, 2C, 2C', and 2D, and at Col. 3, lines 19-23 and lines 50-55.

Capturing a plurality of snapshot images from the video stream based on the plurality of user selections, wherein the plurality of snapshot images comprises at least one video image from each of the set of current television programs playing on the selected television channels. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), at Col. 3, lines 40-44, Col. 13, lines 54-63, and in the Abstract, lines 15-22.

Converting each of the plurality of snapshot images to reduced size thumbnail images. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), and at Col. 3, lines 40-44, Col. 13, lines 54-63.

Displaying a graphical representation of a 3-dimensional polyhedron in a first designated portion of the electronic programming guide, wherein a plurality of geometric surfaces of the 3-dimensional polyhedron are simultaneously visible to a user of the electronic programming guide and the plurality of visible geometric surfaces are rendered in different

portions of the screen having different sizes, and wherein a different lighting level is applied to the plurality of visible geometric surfaces based on the relative positions of the surfaces within the 3-dimensional polyhedron. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, and Col. 13, line 63 to Col. 14, line 27, and in the Abstract, lines 14-26.

Mapping each of the plurality a reduced size thumbnail images to distinct geometric surfaces of the 3-dimensional polyhedron displayed within the electronic programming guide. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, and Col. 13, line 63 to Col. 14, line 27, and in the Abstract, lines 14-26.

Receiving a user input via the electronic programming guide selecting one of the geometric surfaces of the 3-dimensional polyhedron. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, and Col. 13, line 63 to Col. 14, line 27, and in the Abstract, lines 14-26.

Identifying the television channel associated with the geometric surfaces selected via the user input. This feature is disclosed in the '067 patent, by at least FIG. 2C', and at Col. 4, lines 37-38, and Col. 14, lines 20-34.

Creating an updated reduced sized thumbnail image based on the at least one video image from the identified television channel. This feature is disclosed in the '067 patent, at least by FIG. 2C (elements 320a, 320b, 320c), and at Col. 3, lines 40-44, and Col. 13, lines 54-63.

Rotating the graphical representation of the 3-dimensional polyhedron such that the geometric surface corresponding to the identified television channel is displayed in a larger portion of the screen of the electronic programming guide, and wherein the updated reduced sized thumbnail image is displayed in the larger portion of the screen. This feature is disclosed in the '067 patent, by at least FIG. 2C', at Col. 4, lines 37-38, Col. 13, line 63 to Col. 14, line 34, and in the Abstract, lines 14-26.

For at least these reasons, Applicants submit that the specification of the '067 patent discloses the invention of the pending claims in the manner provided by the first paragraph of 35 U.S.C. § 112, first paragraph, such that one of ordinary skill in the art would recognize that the inventors had possession of the claimed invention at the time the application was filed. See 35 U.S.C. § 120; MPEP §§ 201.08, 201.11(I). Accordingly, Applicants submit that U.S. Patent

Appl. Pub. No. 2002/0069415 (Humbard) does not qualify as prior art to the present application with respect to the pending claims. Furthermore, since every rejection in the Office Action relies on the Humbard reference and the cited secondary references fail to teach each and every feature of the claims, Applicants request that all standing rejections be reconsidered and withdrawn.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 29th day of December, 2008

By: /Brian J. Brisnehan/
Brian Brisnehan, Registration No. 60,462
1100 13th St. N.W.
Washington, D.C. 20005-4051
Tel: (202) 824-3324
Fax: (202) 824-3001